

**Mr. V. K. Krishnankutty (Ezhuvas-Trichur):** A poll, Sir.

**Ayes.**

1. Mr. C. V. Iyyu
2. „ A. Eachara Menon
3. „ A. V. Moothedan
4. „ K. R. Viswambharan
5. „ K. R. Ramakrishnan
6. „ K. S. Panikkar
7. „ K. M. Ibrahim
8. „ L. M. Pylee
9. „ V. K. Krishnankutty
10. „ C. K. S. Moni
11. „ V. K. Kutty

**Noes.**

1. Mr. A. L. Antony
2. „ H. J. Walmseley
3. „ K. Achyuta Menon
4. „ K. P. Kannan Nayar
5. „ P. J. George
6. „ C. A. Kunjunny Raja
7. Dr. D. Raghavendra Rao
8. Mr. T. Narayana Menon
9. Rao Bahadur M. Narayana Menon
10. Mr. K. V. Menon
11. Rao Sahib I. N. Menon
12. Mr. V. K. Aravindaksha Menon
13. Rama Varmha Tampuran

11 for and 13 against, the motion is lost.

**Mr. C. V. Iyyu (Kunnamkulam):** We want to have the neutrals also recorded.

**Mr. Deputy President:** It is not necessary.

**8. Prohibiting Retired Judicial officers from practising at the Bar.**

**Mr. V. K. Krishnankutty (Ezhuvas-Trichur):** The resolution that stands in my name reads thus:—“*This Council recommends to the Government that in future persons who retire from Government service and have served in the Judicial Department for a period of five years or more should not be allowed to be enrolled as Vakils or Advocates or allowed to practice in Courts in the State.*” After this resolution has been tabled an amendment has also been brought forward, namely, that after the word ‘more’ add ‘immediately preceding their retirement’. As far as the mover is concerned he has absolutely no objection in accepting any amendment which will not alter the very nature or the spirit of the resolution.

**Mr. Deputy President:** There is also another amendment.

**Mr. M. K. Devassy (Adur):** I do not press this amendment, but I press the later amendment.

**Mr. V. K. Krishnankutty (Ezhuvas-Trichur):** The ingress of retired Government officials in the region of law affects both the judiciary as well as the profession in different ways. It is a matter of experience also that that proposition is true. I understand that it is the practice even in England that retired Judicial officers, especially retired judges or Lordships do not practise in courts even though there is no written law

prohibiting them from practising. This is a very delicate question and I will have to be very guarded in speaking on this subject. When retired judges or retired officers come and argue in courts of law before officers who were subject to their supervision and control the judicial officers would be inclined to regard the arguments of the ex-judge as judicial pronouncements. That is only human nature and human nature being what it is, this impression remains for some time. This new lawyer who practises now before the subordinate courts had the power of confirming, altering or reversing the judgments of those courts and as such the respect which he commands is different from the respect which a learned lawyer commands in a court of law. This puts the clients also to great inconvenience. There is really an awkwardness in the position and it is better left without speech. The other aspects of unhealthy competition and other things are more left unsaid than said. I understand that some of the hon'ble members do want to move certain other amendments. In the light of these amendments I will reply, and I commend this resolution for the acceptance of the House

**Mr. M. Sivarama Menon (Ernakulam):** I second it.

*The House stood adjourned at 5 p. m.*

B. V. K. MENON,

*Secretary to the Council.*